

REMARKS

I. Status of Claims

Claims 1-53 and 56-80 are pending in the present application. Claims 1-29, 37-45, 47, 48 and 60 have been allowed. Claims 32-36, 49, 51-53 and 57-59 have been objected to as depending upon a rejected base claim but indicated would be allowable if rewritten in independent form. New Claims 81-86 have been added by this Amendment. Each of the non-allowed claims will be addressed in turn.

II. Objected to Claims 28, 32-36, 49, 51-53 and 57-59

Claim 28 has been amended as suggested by the Examiner to correct for the clerical/grammatical error.

Claims 32, 34, 35, 36, 49, 51, 52, 53 and 57 have been rewritten in independent form. Thus it is submitted that Claims 32-36, 49, 51-53 and 57 should be allowable.

Though objected to, it is noted that Claim 58 is already in independent form, thus it is submitted that Claim 58, as well as and Claim 59 depending thereon, should be allowable.

III. Claims 30, 31, 46, 50, 56, 61 and 62

Claim 30, 31, 46, 50, 56, 61 and 62 have been rejected under 35 U.S.C. 102(e) over Keys '351. This rejection is respectfully traversed. Each of these rejected claims will now be addressed.

A. Claims 30, 61 and 62

Claims 30, 61 and 62 have been canceled.

B. Claim 31

Claim 31 has been rewritten in independent form. Though Keys '351 discloses "a scale assembly 16 on which an object such as variable mass 21 may be placed for weighing" it does not disclose "a weigh scale . . . for obtaining a dynamic weight of the item during scanning" as in Claim 31. A variable mass as disclosed in Keys '351 refers to actual weight measurement of an item. The word "variable" only refers to the fact that the item's weight is not known (the example given being fresh produce, the consumer selecting the number of applies which the operator weighs on the scale). By contrast the "dynamic" weight obtained, as described in the present specification at page 11 et seq. is for example a partial weight or a weight operation

function. For example, heavy items should optimally be dragged across the weigh scale rather than lifting. Effectiveness of the scanning technique may then be deduced by comparing "dynamic" weight measured to the actual weight of the item (or some optimum dynamic weight). Thus it is submitted that Claim 31 is not anticipated by Keys '351. It is further submitted that Claim 31 is non-obvious and should be allowable.

C. Claim 46

Claim 46 as amended is directed to a data reading system comprising

- a housing;

- a reading device disposed in the housing for detecting an aspect of an item being moved through a detection volume of the device;

- a weigh scale integrated with the reading device and disposed below the detection volume, the weigh scale being operative for detecting a partial weight of an item as it is moved thereacross;

- means for reporting the partial weight of the item as an indication of operating technique of an operator as to how the operator moves items through the detection volume.

Though Keys '351 discloses a scale for determining weight of an item placed thereon (such as a bag of apples), there is no

disclosure of the weigh scale being operative for detecting a partial weight of an item as it is moved thereacross, and no disclosure reporting the partial weight of the item as an indication of operating technique. Thus it is submitted that Claim 46 is not anticipated by Keys '351. It is further submitted that Claim 46 is non-obvious and should be allowable.

D. Claim 50

As amended, Claim 50 includes the steps of  
monitoring an operating technique by which the operator handles items at the item handling station by measuring a dynamic weight of an item being dragged across the weigh scale;  
evaluating the operating technique;  
providing feedback indicative of the operating technique by which the operator handles items at the item handling station.

By contrast, Keys '351 only measures (and presumably reports) a static weight. By measuring a dynamic weight of an item being dragged across the weigh scale, the method of Claim 50 is enabled to monitor operating technique, for example how the operator is handling items, desirably dragging heavy items rather than lifting them. Thus it is submitted that Claim 50 is not anticipated by Keys '351. It is further submitted that Claim 50 is non-obvious and should be allowable.

E. Claim 56

Claim 56 has been amended to specify that the wherein the data reader is a device selected from the group consisting of: RFID reader, EAS deactivation device. There is no indication in Keys '351 of either an RFID reader or an EAS deactivation device. Thus it is submitted that Claim 56 is not anticipated by Keys '351. It is further submitted that Claim 56 is non-obvious and should be allowable.

IV. New Claims 81-86

New Claim 81 includes the step of monitoring operating performance as an operator passes items through the read volume by determining which of the first and second window accomplished reading of the item. Though Keys '351 discloses (at Col. 3 line 66) use of the NCR model 7875 bar code scanner, and it is known that scanner is a two window scanner, there is no indication in Keys '351 to determine and report which of the first and second window accomplished reading of the item.

New Claim 84 includes the step of monitoring movement of the item through the detection volume by repeatedly sensing for presence of the electronic tag. Unlike a barcode label which is read by an optical reader requiring a line of sight to the

label, an electronic tag may be read from any direction, even if the electronic tag is inside the item. Nonetheless, the presence of the tag may be monitored, and by the claimed steps provide feedback of operating technique pertaining to how the operator moves the item through the detection volume.

V. Conclusion

It is submitted that Claims 1-29, 31-53, 56-60, and 81-86 are allowable and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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